

## **ARGUMENTS/COMMENTS**

Claims 1 through 8 are pending in the present application.

In the Office Action, claims 1 through 8 were rejected under 35 U.S.C.102(b) as being anticipated by U.S Patent No.3,625,029 to Safrit (hereinafter "the Safrit patent").

Claim 1 is directed to a boxer short-type article of lingerie. The article has a trunk made of a loose-fitting textile, and leg parts being made of a form-fitting textile.

The Office Action states that the Safrit patent discloses a boxer short type article as claimed "including a trunk part (11) being made from a loose fitting material and leg parts (14) made of a form-fitting textile. Applicant respectfully disagrees.

In contrast, the Safrit patent shows a ladies girdle or panty 9 having a waistband 10, a body portion 11 and two leg portions 12 with a turned edge or welt 13. The body portion 11 refers to the main part of the garment that surrounds the torso of the wearer.

The Safrit patent states that "[t]he fabric of the panty portion may be knit on a ladies' multi feed circular hosiery knitting machine. Preferably, the garment is knit throughout with one of the many known stretch yarns." (column 2, lines 42 through 46). The Safrit patent does not disclose a boxer short-type article of lingerie or a trunk made from a loose-fitting textile, as claimed. In fact the Safrit patent teaches to the contrary.

The Safrit patent further states, that "[t]he fabric of the girdle or panty 9 and stocking 21 may be warp knit rather than weft knit. Fig. 8 shows a preferred warp knit elastic made on a Raschel knitting machin[e]". (Column 3, lines 37 through 41). Again, the Safrit patent teaches an elastic fabric for the girdle or panty that is preferably a warp kit elastic fabric.

Yet further, the Safrit patent states that "elastic yarn 17 may be omitted altogether from the stocking portions 21, and plain knit stockings may be worn and supported by the girdle or panty portion. (Column 4, lines 69 through 72). Clearly, the Safrit patent does not disclose a boxer type short including a trunk part being made of a loose fitting textile, as claimed. In contrast the trunk portion of the garment of Safrit must be elasticized to hold the stockings on the wearer during everyday activities if the stocking portions 21 are plain knit to be supported by the girdle.

Reconsideration and withdrawal of the 35 U.S.C. 102(b) rejection are respectfully requested.

Dependent claims 2 through 5 that depend from claim 1 are also allowable for the reasons set forth above with respect to claim 1.

Dependent claim 6 depends from independent claim 1 and provides that a limit between the trunk part the leg part is a substantially horizontal line passing through an upper part of the crotch.

The Safrit patent shows at Fig. 1, a limit between the body part 11 and the bands of elastic fabric 14. However, that Safrit limit is at the upper part of the leg and not that the upper part of the crotch as claimed.

Thus, claim 6 is clearly not anticipated by the Safrit patent.

Independent claim 7 is directed to a method of manufacturing a boxer short-type article of lingerie having a trunk part being made of a loose-fitting textile and leg parts being made of a form-fitting textile comprising circular knitting a bottom welt and a waistband, and knitting the leg part with a yarn having an elasticity higher than the elasticity of the yarn used for knitting the trunk part.

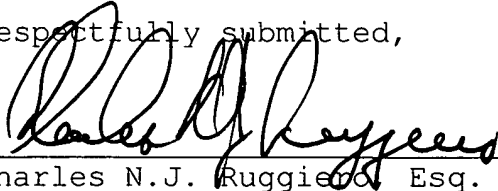
The Safrit patent does not suggest or disclose a method of manufacturing a boxer short as claimed that has a trunk part made from a loose-fitting textile, as discussed above. Reconsideration and withdrawal of the 35 U.S.C. 102(b) rejection are respectfully requested.

Claim 8 depends from independent claim 7 and is also allowable for the reasons set forth above with respect to claim 7.

Accordingly, applicants respectfully request favorable consideration of this application.

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Respectfully submitted,

  
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## **APPENDIX**